

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROOSEVELT BATTS,	:	CIVIL ACTION
	:	
v.	:	
	:	
LOUIS GIORLA, et al.	:	NO. 11-5947

ORDER RE: PETITION FOR WRIT OF HABEAS CORPUS

AND NOW, on this 26th day of July, 2012, upon careful consideration of Petitioner Batts Giorla's Petition for Writ of Habeas Corpus (ECF No. 1), the January 18, 2012 Report and Recommendation of Magistrate Judge Thomas J. Rueter (ECF No. 9), Petitioner's Objections (ECF No. 16), and all related filings, and for the reasons in the accompanying Memorandum re: Petition for Writ of Habeas Corpus, it is hereby ORDERED:

1. The Report and Recommendation (ECF No. 9) is APPROVED and ADOPTED, subject to the discussion of Giorla's actual innocence claim in the accompanying Memorandum.
2. Petitioner's Objections to the Report and Recommendation (ECF No. 16) are OVERRULED.
3. The Petition for Writ of Habeas Corpus (ECF No. 1) is DISMISSED with prejudice.
4. There is no basis for the issuance of a certificate of appealability. The Motion for Certificate of Appeal Nunc Pro Tunc (ECF No. 14) is DENIED.

5. The Clerk of Court is directed to mark this matter as CLOSED for statistical purposes.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.

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